

PROFESSIONAL LICENSURE DIVISION[645]

Notice of Intended Action

Proposing rule making related to continuing education exceptions and removal of licensure sanctions for nonpayment of student debt and providing an opportunity for public comment

The Professional Licensure Division hereby proposes to amend Chapter 4, “Board Administrative Processes,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code sections 272C.2 and 272C.4.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 272C.2(4) and 272C.4(10).

Purpose and Summary

2019 Iowa Acts, Senate File 304, amended Iowa Code section 272C.4 and removed the requirement that licensing boards impose discipline against a licensee who has defaulted on a repayment or service obligation under any federal or state educational loan or service-conditional scholarship program. This proposed rule making removes the subrule language that adopts the Department of Public Health’s procedures for denying a license or imposing discipline against a license following receipt of a certificate of noncompliance from the College Student Aid Commission and adds language specifying that licensure sanctions for default or delinquency on student debt or a service obligation are prohibited.

This rule making also amends subrule 4.12(1) governing automatic continuing education exemptions to clarify that funeral directors who served honorably on active duty in the military service during the license biennium may be exempt from continuing education requirements.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

A waiver provision is not included in this rule making because all administrative rules of the professional licensure boards in the Professional Licensure Division are subject to the waiver provision accorded under 645—Chapter 18.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rule making. Written or oral comments in response to this rule making must be received by the Division no later than 4:30 p.m. on March 31, 2020. Comments should be directed to:

Steven Garrison
Professional Licensure Division
Lucas State Office Building
321 East 12th Street
Des Moines, Iowa 50319
Phone: 515.242.6385
Fax: 515.281.3121
Email: steven.garrison@idph.iowa.gov

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

March 31, 2020
8 to 8:30 a.m.

Fifth Floor Conference Room 526
Lucas State Office Building
Des Moines, Iowa

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Division and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend subrule 4.12(1) as follows:

4.12(1) A licensee, ~~except a funeral director,~~ shall be exempt from the continuing education requirement during the license biennium when the licensee:

a. to d. No change.

ITEM 2. Amend rule 645—4.16(252J,261,272D) as follows:

645—4.16(252J,261,272D) Noncompliance rules regarding child support, ~~loan repayment and nonpayment of state debt.~~

4.16(1) *Child support noncompliance.* The board hereby adopts by reference 641—Chapter 192, “Child Support Noncompliance,” Iowa Administrative Code.

4.16(2) ~~Noncompliance of loan repayment.~~ *Sanctions for default or delinquency on student loan debt or service obligation prohibited.* The board hereby adopts by reference 641—Chapter 195, “Student Loan Default/Noncompliance with Agreement for Payment of Obligation,” Iowa Administrative Code. The board shall not suspend or revoke the license or certification of a person who is in default or is delinquent on repayment or a service obligation under federal or state postsecondary educational loans or public or private services-conditional postsecondary tuition assistance solely on the basis of such default or delinquency.

4.16(3) *Nonpayment of state debt.* The board hereby adopts by reference 641—Chapter 194, “Nonpayment of State Debt,” Iowa Administrative Code.

ITEM 3. Amend **645—Chapter 4**, implementation sentence, as follows:

These rules are intended to implement Iowa Code chapters 17A, 21, 147, 252J, ~~261~~, 272C and 272D.